THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.11368 OF 2005

Dated: 12th September, 2005.

Between:

Karra Rajeswar Reddy, S/o. Buthchi Obul Reddy,

Aged 45 years, R/o .Pedda Yemmanur Village,

Uyyalavada Mandal, Kurnool District. .. Petitioner

And

1. The Assistant Divisional Engineer,
   A.P.C.P.D.C.L., A.P. Transco, Allagadda,
   Kurnool District.
2. The Assistant Engineer, A.P.C.P.D.C.L.,
   A.P. Transco, Uyyalavada, Kurnool District.

… Respondents

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ORDER :

This writ petition is filed seeking a declaration that the action of the 1st respondent in issuing the impugned order of provisional assessment dated 10-5-2005 and demanding payment of the half of the assessed amount is arbitrary, illegal and contrary to Section 126 of the Electricity Act, 2003.

The contention of the petitioner is that the impugned action of the respondents is contrary to Section 126 of the Electricity Act, 2003 which clearly envisages that the payment can be made only after final assessment.

The learned Counsel for the petitioner submits that having considered an identical question, a Division Bench of this Court disposed of W.A.Nos.452 and 457 of 2004 by order dated 11-03-2004 with directions as under :

> *"… … … Consequently, we allow the appeals, set aside the impugned order passed by the learned single Judge and allow the writ petitions with a direction that electricity supply to the premises of the appellants shall be restored forthwith and the concerned authority will proceed to pass final order in the facts and circumstances of the case after affording opportunity of being heard to the appellants. Obviously, any amount paid by the appellants pursuant to the provisional notice will be liable to be adjusted against the amount to be finally assessed by the concerned authority."*

The learned Standing Counsel appearing for the respondents does not dispute the fact that the case on hand also stands on the same footing.

In the circumstances, following the judgment of the Division Bench in the above case, the Writ Petition is disposed of with a direction to the respondents to pass final orders after affording due opportunity of being heard to the petitioner. It is made clear that any amount paid by the petitioner pursuant to the provisional assessment shall be liable to be adjusted against the amount to be finally assessed by the concerned authorities. It is further made clear that in case power supply to the premises of the petitioner has already been disconnected, the same shall be restored forthwith.

Accordingly, the Writ Petition is disposed of. No costs.

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12th September, 2005.

Note:- CC in one week.

(B/O)

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